

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:20CR326-1
	:	
ALBERTO DAMAIZE-JOB,	:	
also known as Alberto Damaize	:	

FACTUAL BASIS

NOW COME the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11(b)(3), Fed. R. Crim. P., states as follows:

Albert Damaize-Job, also known as Alberto Damaize (“Damaize”) was born on February 12, 19XX, in Puerto Cabeza, Nicaragua. On or about September 15, 1982, Damaize entered the United States illegally without inspection at or near San Ysidro, California. The Immigration and Naturalization Service (“INS”) instituted deportation proceedings against Damaize on October 31, 1982. In the course of those proceedings, Damaize conceded deportability but applied for asylum, withholding of deportation, and voluntary departure. Though the Immigration Judge entered an order to deport Damaize, Damaize sought and successfully obtained asylum from the Board of Immigration Appeals. On October 1, 1991, INS granted Damaize

asylum status (AS-6) pursuant to section 208 (a) in the Immigration and Nationality Act. On March 22, 1991, Damaize filed an Application to Register Permanent Residence or Adjust Status (known as Form I-485) with INS. On October 1, 1992, INS approved Damaize's application and granted him Lawful Permanent Resident status. His alien file reference number is XXX 736 554.

On September 17, 1996, Damiaze filed an Application for Naturalization (known as Form N-400) with the INS. Following an interview by an INS examiner and correspondence concerning Damiaze's application, INS ultimately denied Damiaze's naturalization application, issuing a written decision dated March 20, 2001.

Otherwise, Damaize has not applied for nor petitioned for United States citizenship. Damaize knew he was not a United States citizen at all relevant times. Damaize, in fact, is not and never has been a United States citizen.

On October 3, 2012, Damaize registered to vote.

On November 8, 2016, which was Election Day, Damaize went to his assigned polling place in Guilford County, North Carolina and cast a vote in the November 2016 election, which was held for the purpose of electing a candidate for the office of President, Vice President, Member of the United States Senate, and Member of the United States House of Representatives, among other positions on the ballot.

On or about March 7, 2017, Damaize acknowledged on a form sent to the North Carolina Board of Elections that he is not a citizen of the United States.

On March 13, 2019, Damaize acknowledged to Department of Homeland Security agents during a voluntary, non-custodial interview at his home that he was a citizen and native of Nicaragua, that he was not a citizen of the United States, and that he had voted in an election held for the purpose of electing a candidate to the office of President.

This the 2nd day of November, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2020, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jamie L . Vavonese, Attorney for Defendant

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